

ANALYSIS

An ordinance amending Title 5 - Personnel of the Los Angeles County Code, relating to the Los Angeles County Sexual Harassment Policy and replacing it with a County Policy of Equity

Very truly yours,

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By

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MCW:JS

ORDINANCE NO. _____

An ordinance amending Title 5 - Personnel of the Los Angeles County Code. The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 5.09 is hereby amended to read as follows:

Chapter 5.09 SEXUAL HARASSMENT POLICY

5.09.010 Sexual harassment prohibited.

5.09.020 Sexual harassment defined.

INSERT: COUNTY POLICY OF EQUITY

5.09.030 Role and Responsibilities of Executive Director County Executive Oversight Panel (EDCEOP)county personnel.

Duties of the Executive Director of the County's Equity Oversight Panel

The Executive Director of the County's Equity Oversight Panel (EDCEOP) shall report to the Executive Office of the Board of Supervisors. The primary duty of the EDCEOP is to establish and oversee the operations of the County Equity Oversight Panel (CEOP), including the panel of attorneys who review all County Policy of Equity (CPOE) investigations and make recommendations regarding disposition and discipline for violations of the CPOE. Secondly, to supervise the CEOP staff who perform the review, analysis, provide trend information and schedule the briefings for the CEOP and to audit all departments to ensure that appropriate corrective administrative actions are taken.

The County Intake Specialist Unit (CISU) reports to and works at the direction of the EDCEOP regarding the initial investigation and designation of all complaints. The EDCEOP shall review and evaluate the work product and activities of the CISU to ensure that its procedures are being followed and that its personnel are dealing with complaints in a professional, effective, helpful and objective manner.

The EDCEOP shall review and evaluate all County Equity Investigation's Unit (CEIU) investigations of potential violations of the CPOE for quality and integrity, including ensuring that investigations are complete, timely, objective and appropriate.

-The EDCEOP shall assign completed CEIU Investigations to the CEOP panel members for review.

The EDCEOP shall attend each CEOP briefing.

The EDCEOP shall develop and oversee a schedule that ensures that there are a total of at least three CEOP members at every briefing and will schedule the briefings as often as is necessary to ensure that the CEIU investigations are heard in a timely manner.

The EDCEOP shall direct staff to prepare the briefing schedule each month ensuring that there are at least three CEOP members to take action. Depending on the nature of the cases, the EDCEOP may schedule all members to review a case. Examples of cases for which the EDCEOP may elect to schedule a briefing by the entire panel are high profile cases, cases that pose a high level of liability for the County or particularly complex cases.

The EDCEOP shall schedule a review meeting prior to each CEOP briefing to discuss the cases. Attendance at the review meeting is mandatory to ensure each case receives a full and thorough review by those CEOP members reviewing the case.

In cases where not all CEOP members are reviewing a case, the EDCEOP will designate an "alternate" who will review the scheduled cases but only attend the briefing should an assigned member be unable to attend.

Three CEOP members are required to make recommendations regarding disposition and discipline on CEIU investigations. If the CEOP members are unable to reach agreement on a recommendation, the EDCEOP will evaluate the situation and make a determination about how to proceed. For example, the EDCEOP may:

Return the investigation for further information;;

Have the alternate CEOP member participate in the discussion;;

Reschedule the case for briefing and have the entire CEOP review the case and discuss;; recommendations.

Communicate to the involved Department Head and the County Department of Human Resources its recommendation regarding disposition and discipline.

The EDCEOP will develop and prepare quarterly statistical reports detailing the activities of the CEOP.

The EDCEOP shall serve as advisor on the CPOE to all County Department Heads.

5.09.010 Sexual harassment prohibited.

Sexual harassment is a form of unlawful sex discrimination, which is a violation of Title VII of the Civil Rights Act of 1964, as amended, and Chapter 6 of the California Fair Employment and Housing Act. It is the policy of the county of Los Angeles that sexual harassment is unacceptable and will not be tolerated. It is improper and against this policy for a county officer or employee to ask for or receive sexual favors from another county employee or prospective employee in return for or as a condition of county employment, promotion, job retention, a particular job or duty assignment, or any other action relating to county employment. It shall be the policy of the county of Los Angeles to:

- A. Dissuade such practices through communication, training and other appropriate methods that will sensitize employees and all persons involved with the county work force concerning sexual harassment issues;
- B. Investigate all observed or reported instances of sexual harassment, and take appropriate corrective action, including disciplinary action, when warranted;
- C. Provide an internal complaint process for employees who experience or witness a violation of the sexual harassment policy which will protect employee confidentiality to the extent legally permissible, shield the individual from retaliation, and allow for appropriate corrective action. (Ord. 94-0074 § 2 (part), 1994.)

5.09.020 Sexual harassment defined.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or**
 - B. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or**
 - C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.**
- (Ord. 94-0074 § 2 (part), 1994.)**

5.09.030 Responsibilities of county personnel.

INSERT: Responsibilities of County Department of Human Resources

- A. County employees: All county employees are responsible for assuring that sexual harassment does not occur in the Los Angeles County work environment. Any employee who believes that she or he has been the object of or has been affected by sexual harassment in county work situations, or who is aware of an occurrence of sexual harassment, should report any such action or incidents to his or her supervisors, department head, departmental affirmative**

~~action coordinator or the county's affirmative action compliance officer so that the matter can be promptly investigated and appropriate corrective action considered.~~

~~B. Department heads: Each department head shall be responsible for promoting a work environment free from sexual harassment in his or her department. Each department head shall personally acknowledge his or her commitment to the county's sexual harassment policy by assuring that:~~

~~1. The county's sexual harassment policy is disseminated to every employee in the department;~~

~~2. All managers and supervisory personnel are held accountable for complying with the county's sexual harassment policy; and~~

~~3. A process for promptly responding to and resolving sexual harassment complaints within the department is in place and is communicated to all employees.~~

~~C. Managers and supervisory personnel: Managers and supervisory personnel are responsible for the prevention and correction of sexual harassment occurrences in their areas of responsibility. Managers and supervisory personnel at all levels are responsible for:~~

~~1. Ensuring that all employees in their areas of responsibility are aware of the county's sexual harassment policy;~~

~~2. Ensuring that all personnel decisions are made in accordance with this policy; and~~

~~3. Implementing and/or recommending immediate and appropriate corrective action when warranted.~~

~~D. Office of Affirmative Action Compliance (OAAC)~~

A. The County's Department of Human Resources (DHR):

The OAAC is responsible for the following:

1. Educating managers, supervisors and employees, and informing them of their rights and responsibilities under the County Policy of Equity~~county's sexual harassment policy;~~

2. Developing processes for conducting investigations of alleged violations and advising management on corrective actions when such actions appear to be warranted;

3. Investigating employee complaints of potential violations of the County Policy of Equity (CPOE) or of federal or state law, or County ordinance, or departmental regulation. (Ord. 2003-0040 § 1, 2003; Ord. 94-0074 § 2 (part), 1994.)~~of sexual harassment when filed with the OAAC;~~

4. Responding to external equity complaints~~charges of~~

sexual harassment filed by county employees with state and federal enforcement agencies; and

5. Investigating, at the request of a department head, employee complaints of sexual harassment or complaints of other types of employment discrimination, harassment or related misconduct prohibited by federal or state law, or County ordinance, policy, or departmental regulation. (Ord. 2003-0040 § 1, 2003: Ord. 94-0074 § 2 (part), 1994.)